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Attorneys for Plaintiff,

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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**RITA CUTLER, BY AND
THROUGH MS. CUTLER'S
GUARDIAN *AD LITEM*,
ANDRA JAY,**

Plaintiff,

v.

**NAVIENT SOLUTIONS, INC.
FORMERLY KNOWN AS
SALLIE MAE, INC.; GC
SERVICES LIMITED
PARTNERSHIP; AND, ALLIED
INTERSTATE, LLC,**

Defendants.

Case No.: EDCV13-2142 MWF (DTB)

**PLAINTIFF RITA CUTLER, BY
AND THROUGH MS. CUTLER'S
GUARDIAN *AD LITEM*, ANDRA
JAY'S MOTION IN LIMINE TO
EXCLUDE ANY REFERENCE TO
OR EVIDENCE OF PLAINTIFF'S
MOTIVES**

DATE: May 11, 2015

TIME: 10:00 a.m.

COURTROOM: 1600

HON. MICHAEL W. FITZGERALD

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**PLAINTIFF'S MOTION IN LIMINE TO EXCLUDE ANY REFERENCE TO OR EVIDENCE OF
PLAINTIFF'S MOTIVES**

**TO THE COURT, DEFENDANTS AND THEIR ATTORNEYS OF
RECORD:**

Plaintiff RITA CUTLER, BY AND THROUGH MS. CUTLER'S GUARDIAN *AD LITEM*, ANDRA JAY ("Plaintiff") hereby moves the Court, in limine, for the following Order: exclude reference to or evidence of Plaintiff's alleged motives in pursuing this Action.

A. PLAINTIFF'S MOTIVES

The Act relies on and encourages consumers, such as Plaintiff, to act as private attorneys general to enforce the public policies expressed therein. 15 U.S.C. § 1692k(a). Indeed, Congress stated its unequivocal intent "that private enforcement actions would be the primary enforcement tool of the Act." *Baker v. G.C. Serves. Corp.*, 677 F.2d 775, 780-81 (9th Cir. 1982). Congress intended that the FDCPA be enforced by private attorneys general. *Wright v. Finance Service of Norwalk, Inc.*, 22 F.3d 647, 650 (6th Cir. 1994). As discussed in Plaintiff's moving papers in support of Plaintiff's Motion for Summary Judgement, CITA was enacted for similar purposes.

Defense counsel may attempt to inflame the jury by claiming that Plaintiff is in this case for the money. By denigrating the motives of Plaintiff, Defendant contravenes Congress's express intent that Plaintiff properly has such a motive.

Defendant's argument would be meant to reduce the statutory damage recovery. Nothing in the FDCPA allows the jury to consider Plaintiff's motives in awarding damages. 15 U.S.C. § 1692k. To determine the amount of statutory damages, the jury considers the nature of the violations. § 1692k(b)(1); *Masuda v. Thomas Richards & Co.*, 759 F.Supp. 1456, 1467 (C.D. Cal. 1991).

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Thus, Plaintiff's motives are immaterial.

B. CONCLUSION

Wherefore, A Motion in Limine should be granted directing Defendant NAVIENT SOLUTIONS, INC. FORMERLY KNOWN AS SALLIE MAE, INC. ("Defendant"); Defendant's witnesses; and, Defendant's attorneys not to question Plaintiff's motives in bringing this enforcement action pursuant to the RFDCPA; and, CITA.

Dated: April 16, 2015

Respectfully submitted,

KAZEROUNI LAW GROUP, APC

By: /s/ Abbas Kazerounian
ABBAS KAZEROUNIAN, ESQ.
ATTORNEY FOR PLAINTIFF

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